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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

JERROLD L. AILLS,

Plaintiff,

VS.

ED CAMPBELL, KAREN KELLEY, RUBY ROBLES, JOHN GOURLEY, SHAW VIVEK, CORPORAL NESARY, C/O WINDMILL, C/O RICHIE and SGT HARTLEY, NO: 12-CV-3097-JPH

ORDER ADOPTING REPORT AND RECOMMENDATION, DISMISSING COMPLAINT WITHOUT PREJUDICE AND DIRECTING THAT COLLECTION OF THE FILING FEE CEASE

Defendants.

Magistrate Judge Hutton filed a Report and Recommendation, ECF No. 20, recommending Mr. Aills' request to Voluntarily Dismiss this action be granted. Defendants have not been served. There being no objections, the Court **ADOPTS** the Report and Recommendation. Plaintiff's Motion, ECF No. 18, is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE.**

IT IS FURTHER ORDERED Plaintiff's Motion to waive filing fee, ECF No. 19, is **GRANTED** and the institution having custody of Mr. Aills shall cease collection of the filing fee in this action, cause number **CV-12-3097-JPH**.

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE -- 1

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff and **close the file**. The District Court Executive is further directed to send a copy of this Order to the Office of the Department of Corrections, Attn: LFO/COS UNIT, P.O. Box 41107, Olympia, WA 98504-1107, to forward to the appropriate agency having custody of Plaintiff.¹ The District Court Executive also shall provide a copy of this Order to the Financial Administrator for the United States District Court, Eastern District of Washington.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff, and close the file.

DATED this 4th day of October, 2012.

s/ Thomas O. Rice THOMAS O. RICE United States District Court Judge

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¹ The Court notes Plaintiff was granted leave to proceed *in forma pauperis* while housed at the Yakima County Jail and a copy of that Order, ECF No. 12, was directed to that institution. Plaintiff subsequently notified the Court of his transfer to DOC custody, ECF No. 17.